

Express Mail Label No.: EV334318122US
Date of Deposit: November 10, 2003

Allowable Subject Matter

Applicants appreciate the indication by the Examiner that claim 3 is allowable over the art of record if re-written in independent form to include all the features of the base independent claim and any intervening claims. Since Applicants believe the base amended independent claim is patentable over the art of record, Applicants will forgo re-writing claim 3 in independent form.

Restriction Requirement

Applicants acknowledge the Examiner's indication that the Restriction requirement has now been made final. To that end, Applicant has canceled, without prejudice and/or disclaimer of subject matter, the claims directed to the non-elected inventions.

The Drawings

The drawings were objected to for the reasons set out on page 4 of the Action. Without addressing the merits of the Action's position that the "terminal hub" feature recited in claim 17 is not disclosed in the drawings, Applicants have canceled this claim. Thus, the objection to the drawings is now considered moot and Applicants respectfully request that this objection be withdrawn.

Specification

The specification was objected to for the informality noted on page 4 of the Action. Applicants have amended the specification to address the informality and withdrawal of the objection is respectfully requested.

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Claim Objections

Claim 14 was objected to for the informality noted on page 4 of the Action. Applicants have amended claim 14 to address the informality and thus, Applicants also respectfully request that this objection be withdrawn.

§ 102 Prior Art Rejection

Claims 1, 2, 4-16 and 18-19 were rejected either under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 3,503,326 (Juhasz et al.). For the following reasons, Applicants submit that the claims are patentable over the cited prior art.

The Invention

Independent claim 1 is directed to a multiple sample processing apparatus for a continuous flow centrifuge. The apparatus includes a plurality of axially aligned processing chambers and expressor chambers where each chamber includes an axial opening housing a central hub. A respective central hub of a respective chamber includes at least one first dedicated passageway dedicated for fluid communication with the respective chamber and at least one second dedicated passageway for fluid communication with an adjacent chamber. New independent claims 35 and 36 recite similar patentable features.

The Cited Prior Art

As understood by Applicants, Juhasz et al. is directed to a filter press, where a slurry is provided into a channel 7, where it is driven into a filter chamber 10 via a radial passage 8 of hollow core 6. Chambers 13 are pressurized via an exterior pressure source indicated by arrows

12. The liquid portion of the slurry penetrates filter cloths 4, which then passes through passages in spacers 5, indicated by arrows 16 and 16' (see specification, column 2, line 45 through column 3, line 15; and column 4, lines 4-9).

ANALYSIS

Requirements for Anticipation

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. 2131, quoting, *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Accordingly, Applicants could find nothing in Juhasz et al. which discloses, or even would have taught or suggested to one of ordinary skill in the art at the time the invention was made, of a sample processing apparatus having axially aligned chambers each having a central hub, where the central hub of a respective chamber includes dedicated fluid passageways for other chambers. Thus, the claimed invention is patentable over Juhasz et al.

Since the remainder of the art of record fails to meet the deficiencies of Juhasz et al., the independent claims are patentable over the prior art of record. Moreover, since the remainder of the claims are dependent from claim 1, they necessarily incorporate by reference all the features recited therein and thus, are believed patentable over the prior art for the same reasons. Withdrawal of the § 102 rejection is now respectfully requested.

§ 103 Prior Art Rejection

Claim 17 was rejected under 35 U.S.C. § 103 as reciting subject matter that is allegedly obvious from Juhasz et al. in view of U.S. Patent No. 988,854 (Bixler). Since this claim has been canceled, this rejection is considered moot and withdrawal of the rejection is respectfully requested.

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CONCLUSION

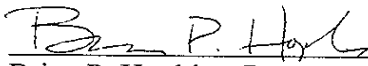
In view of the foregoing remarks, Applicants submit that the issues raised in the outstanding Action have all been addressed. Accordingly, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No fee is currently due for the present response. However, in the event that it is determined that additional fees are due, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311. Ref. No. 18405-115.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 935-3000. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

Date: November 10, 2003


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